

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JESSE J. COLON,	:	CIVIL ACTION NO. 1:19-CV-1872
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
THE DAVEY TREE EXPERT COMPANY,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 19th day of January, 2022, upon consideration of the motion (Doc. 22) for summary judgment by defendant The Davey Tree Expert Company (“Davey Tree”), and the parties’ respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. The motion (Doc. 22) for summary judgment is DENIED.
2. A United States Magistrate Judge of this court is available to preside over this case, see 28 U.S.C. § 636(c); FED. R. CIV. P. 73, and may be available to do so earlier than the undersigned.¹ The Clerk of Court shall mail an AO 85 form (“Notice, Consent, and Reference of a Civil Action to a Magistrate Judge”) to all parties in the above-captioned action together with a copy of this order. All parties who consent to jurisdiction of a United States Magistrate Judge shall complete and return the AO 85 form to the Clerk of Court no later than **February 3, 2022**.

¹ The parties are reminded that consent is optional and may be withheld without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with the case.

3. A United States Magistrate Judge of this court is also available and willing to serve as a settlement officer in this case. The parties shall promptly meet and confer to discuss participating in a settlement conference with a United States Magistrate Judge. No later than **February 3, 2022**, the parties shall certify to the court by way of letter filed to the docket that they have met and conferred as directed and shall indicate whether a referral to a United States Magistrate Judge for a settlement conference is requested.
4. If the parties do not consent to the jurisdiction of a United States Magistrate Judge and do not request a settlement conference before a United States Magistrate Judge by the deadlines in paragraphs 2 and 3, the court will schedule a pretrial telephonic scheduling conference to establish a pretrial and trial schedule.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania